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September 8, 2008

Kim Collins  
Federal Election Commission  
999 E Street NW  
Washington, DC 20463

BY HAND

Re: MUR 6035

Dear Ms. Collins:

On behalf of Senator Barack Obama; Obama 2010 Inc.; Obama for Illinois Inc. (Terminated); and Harvey S. Wineberg, in his official capacity as Treasurer ("Respondents"), this letter is submitted in response to the complaint filed by Thomas Fitton ("the Complaint") and subsequently labeled MUR no. 6035. The Complaint is not only false, but also fails to allege a violation of federal campaign finance law, and it should be immediately dismissed.

The Commission may find "reason to believe" only if a complaint sets forth sufficient specific facts, which, if proven true, would "describe a violation of a statute or regulation over which the Commission has jurisdiction." 11 C.F.R. §§ 111.4(a), (d) (2008). Unwarranted legal conclusions from asserted facts or mere speculation will not be accepted as true, and provide no independent basis for investigation. See Commissioners Mason, Sandstrom, Smith and Thomas, Statement of Reasons, MUR 4960 (Dec. 21, 2001).

The Complaint does not assert facts that describe a violation of federal campaign finance law. The Complaint does not present any facts demonstrating that the loan was in any way improper – which it was not – or that loan funds were used in connection with a federal election, which they were not.

Under 2 U.S.C. § 431(8)(B)(vii), federal contributions do not include bank loans "made in accordance with applicable law and in the ordinary course of business." 2 U.S.C.

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§ 431(S)(B)(vii). The Complaint does not present or allege any facts that would indicate that the loan at issue was not made in the ordinary course of business. Instead, the Complaint only asserts that the loan was "a good deal," and from there jumps to the conclusion that it was "a disguised campaign contribution." That is exactly the sort of "mere speculation" that the Commission has previously agreed does not warrant investigation.

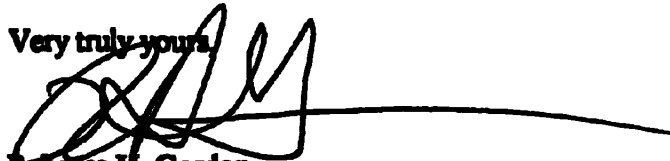
In fact, the loan was an arms-length transaction at a commercial rate and – to Respondents' knowledge, on the facts known, and with the Complaint having asserted absolutely no facts to the contrary – made in the ordinary course of the business of Northern Trust. The Complaint's sole alleged fact is that the loan was at a rate that was "better than average" for the week the mortgage was secured, an allegation that by definition places the Senator and his wife in the company of almost half the people who acquired mortgages in that week.

Moreover, the Complaint does not allege that this loan was made in connection with a federal election, or that any proceeds of the loan were used to fund either Obama 2010 or Obama for Illinois. Indeed, the reports Respondents filed with the Commission indicate that neither Senator Obama nor his wife contributed to either Senate campaign committee on or after the date that this loan was secured. Therefore, this loan has no connection to federal campaign finance law or to either campaign committee no matter what the circumstances of the loan.

In sum, the Complaint does not allege any facts that would describe a violation of federal campaign finance law. Pursuant to 11 C.F.R. § 111.4(d), the Commission should dismiss it immediately.

For these reasons, Respondents respectfully request that the Complaint be dismissed.

Very truly yours,



Rebecca H. Gordon  
Counsel to Respondents

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